

## Chapter 8

### **CEMETERIES\***

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\***State law reference**—Cemeteries and cemetery commissions, S.C. Code 1976, § 5-39-10 et seq.



**ARTICLE I. IN GENERAL****Sec. 8-1. Burials at other than established cemetery prohibited.**

All cemeteries owned by the city, wherever the same may be situated, are hereby declared to be public burying grounds, and it shall be unlawful for any person to establish or use any place for the burial of the dead within the city limits, except such as are already established for that purpose, and it shall likewise be unlawful for any person to bury any dead body within the city limits except in such cemeteries or burial grounds as have been set apart, established or used for that purpose, except by special permission of the city council.

(Code 1964, § 6-1; Code 1980, § 6-1)

**Sec. 8-2. Sale of lots in city cemeteries.**

The city council, upon advice of the cemetery commission, shall have charge of the sale of lots in the city cemeteries, and shall fix the price at which such lots, parts of lots, or single graves may be sold. Upon compliance with the terms of sale, the purchasers of any lot, portion of lot or grave in any such cemetery shall receive from the city a certificate or deed of conveyance therefor, to be executed on behalf of the city by the mayor and the city administrator. No person shall be permitted to purchase any land in any city cemetery for the purpose of speculation, or for any other purpose than that of burial therein, nor shall any such land be sold except for burial purposes. Before any burial permit is issued for the burial of any person in a city cemetery, the full amount of the purchase price of the lot or grave to be used must be paid to the city. No persons shall receive a deed of conveyance to any lot, part of lot or single grave in any city cemetery until the same has been paid for in full; nor shall any person, without permission from the city, use or occupy any lot for which a deed has not been made on behalf of the city. No lot or part thereof shall be sold by any owner of a cemetery lot except with the permission of the city and a proper record shall be made by the city of such a transfer.

(Code 1964, § 6-3; Code 1980, § 6-3)

**Sec. 8-3. Permit for, supervision of, etc., burials in city cemeteries.**

(a) Any person desiring to make an interment in a city cemetery shall obtain a permit in a manner provided by the city and shall furnish such information as the city shall require. The city shall keep such records relative to permits as may be necessary and advisable. When the applicant has complied with necessary regulations, a permit shall be issued. No burial shall be had without such a permit.

(b) No excavations for vaults, monuments or graves shall be made in any city cemetery by any person without written permission from the city.

(Code 1964, § 6-4; Code 1980, § 6-4)

**Sec. 8-4. Method of burial generally.**

(a) *Ground burial.*

- (1) All in ground burials shall include vaults.
- (2) All remains must be placed in a grave with no less than three feet of earthen cover from the top of the vault.
- (3) Fill of used grave shall be level and no more than two inches above adjacent undisturbed grade.

(b) *Cremation burial.* There shall be no more than four cremation burials allowed on a single burial plot.

(c) *Mausoleum burial.* All mausoleum burials in any city cemetery must be properly placed in a mausoleum constructed in accordance with the provisions set forth in this chapter and other requirements as applicable.

(Code 1964, § 6-6; Code 1980, § 6-6)

**Sec. 8-5. Depth of graves.**

All graves dug in the city cemeteries shall be in accordance with all applicable state laws and regulations.

(Code 1964, § 6-7; Code 1980, § 6-7)

**Sec. 8-6. Foundation for tombstone, monument or mausoleum.**

No tombstone, monument or mausoleum shall be placed in any city cemetery, unless it rests upon a proper foundation of concrete, at least 20 inches below the surface. Every monument shall rest upon a foundation of concrete, and if such monument is placed upon or over a grave, or at the head of the grave, then the foundation therefor shall extend at least two feet below the surface of the ground, but if such monument is placed upon solid ground, so that its stability is not affected by any adjoining grave, then the foundation need not extend more than 18 inches below the surface.

(Code 1964, § 6-8; Code 1980, § 6-8)

**Sec. 8-7. Fences, curbing and coping around graves or lots.**

No fence or wooden structure shall be erected around any grave or lot in any city cemetery unless approved by the city. Such lots may be raised and curbed with approved coping and coping shall be of granite or similar quarried stone. The stone shall be uniform in width and length, and not more than four inches above the level of the adjoining walk if such curbing is set upon a substantial foundation satisfactory to the superintendent of cemeteries.

**Sec. 8-8. Operation of vehicles.**

Automobiles or other motor vehicles shall not be driven through any cemetery at a greater rate of speed than 15 miles per hour, nor shall any such vehicle be driven over any portion of a cemetery other than the regular driveways therein.

(Code 1964, § 6-17; Code 1980, § 6-17)

**Sec. 8-9. Gravel and like stone prohibited.**

It shall be unlawful to place gravel or other like stone on a burial plot. Any plots consisting of gravel or other like stone in place at the adoption of this Code must be maintained, free of overgrown grass, weeds, or other similar plant material by the plot owner. Failure to maintain such plot will result in the city's removal of gravel or other like stone.

**Sec. 8-10. Owner maintained lots.**

Owners of plots who wish to maintain their lots shall submit a request to the city with plot number and location. Lots maintained by owners shall follow, at a minimum, the same maintenance schedule as the city.

**Sec. 8-11. Opening of graves.**

(a) No excavations for vaults, monuments or graves shall be made in any city cemetery by any person, without prior notification to the city.

(b) No unattended open grave shall be left without proper safety measures to insure no injuries occur.

**Sec. 8-12. Sale of lots by owners.**

The owner of a lot in any city cemetery may sell and convey his lot to others, provided that the written consent of the superintendent of cemeteries is first had and obtained.

**Sec. 8-13. Prohibited conduct; responsibility for damage.**

Conduct in city cemeteries shall be as follows:

- (1) It shall be unlawful for any person within any city cemetery or any grounds connected therewith or at any point in close proximity to such cemetery to:
  - a. Cut, break, mutilate, mark, deface or in any manner destroy or injure any tree, plant, flower, vine, shrub, house, chair, fence or other property, real or personal, belonging to or used by the city;
  - b. Post or affix any bill, sign or notice on any tree or building or otherwise;
  - c. Distribute any handbills or dodgers;
  - d. Handle or discharge any firearm, firecracker, air gun, slingshot or other explosive, noisy or destructive article, instrument or substance;
  - e. Throw any stone or missile;

- f. Drink spirituous liquors;
  - g. Make loud or unnecessary noises;
  - h. Engage in noisy disputes or conversation;
  - i. Make any indecent exposure of the person;
  - j. Be guilty of any lewd or indecent act or behavior;
  - k. Behave in a disorderly manner, so as to disturb the peace, quiet or order of such cemetery.
- (2) It shall be unlawful at any time for anyone to walk or be in any cemetery to the annoyance of peaceable citizens.
  - (3) Refreshments shall not be carried into any cemetery nor partaken of therein.
  - (4) Every person riding, driving or walking in any city cemetery shall be responsible for any damage to any property in any cemetery by him or by any child or animal in his charge.
  - (5) It shall be unlawful for any person to place, throw, put, cause, or permit to be placed or thrown, any trash, refuse, litter or cleanings of a plot on any other plot in any city cemetery.

**Sec. 8-14. Council to enact policies, rules and regulations.**

City council may in its discretion adopt and implement policies, rules and regulations regarding the operations and maintenance of city cemeteries.

**Secs. 8-15—8-37. Reserved.**

**ARTICLE II. CEMETERY COMMISSION**

**Sec. 8-38. Created; composition; appointment and terms of members; vacancies.**

There is hereby created a cemetery commission for the city consisting of five citizens appointed by the city council, who shall, during their term of office, be residents of the city, and shall hold their offices for six years, but their election shall be so arranged that the term of one shall expire every two years. Vacancies for any cause shall be filled by the city council for the unexpired terms.

(Code 1964, § 6-30; Code 1980, § 6-30; Ord. No. 1991-1, 2-5-1991)

**Sec. 8-39. Compensation of members.**

No member of the cemetery commission shall receive compensation for his services.  
(Code 1964, § 6-31; Code 1980, § 6-31)

**Sec. 8-40. Election of officers.**

The cemetery commission shall elect a chairperson and a vice-chairperson once every two years.

(Code 1964, § 6-32; Code 1980, § 6-32)

**Sec. 8-41. Meetings.**

The cemetery commission shall meet at the call of the chairperson and at such times as the chairperson or commission may determine. All meetings of the commission shall be open to the public.

**Sec. 8-42. General powers and duties.**

The cemetery commission shall advise the city council on matters concerning the operation of city cemeteries and, in that regard, it may:

- (1) Prepare and revise periodically a comprehensive plan for the operation, maintenance, and development of all city cemeteries;
- (2) Prepare and recommend a means for implementing the plan;
- (3) Recommend principles and policies for guiding action in the cemeteries; and
- (4) Recommend ordinances promoting the protection and development of the cemeteries in accordance with the plan.

**Sec. 8-43. Receipt of care funds.**

The city is empowered to receive by gift, devise, bequeath or settlement in trust, any sum of money from persons in trust for investment with the income (or principal if the terms of the trust so provide) to be used in the upkeep and care of any grave designated by the donor.

(Code 1964, § 6-54; Code 1980, § 6-64)





Chapter 9

**RESERVED**

